

Judge: Karen A. Overstreet
Chapter: 13
Hearing Date: April 07, 2010
Hearing Time: 9:30 a.m.
Hearing Location:
Judge Overstreet's Courtroom
700 Stewart St #7206
Seattle, WA 98101
Response Date: March 31, 2010

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re:

ALEX M WALKER,

Debtor(s).

IN CHAPTER 13 PROCEEDING
NO. 09-13505-KAO

MOTION TO DISMISS CASE

K. Michael Fitzgerald, Chapter 13 Trustee, moves to dismiss the debtor's Chapter 13 case. In support of his Motion, the Trustee states as follows:

On April 13, 2009, the debtor filed the above-numbered petition for relief under Chapter 13 of the U.S. Bankruptcy Code. The debtor's Chapter 13 plan, filed April 13, 2009, proposes a plan payment of \$200.00 per month.

U.S. Bank National Association objected to the confirmation of the debtor's original plan. On October 22, 2009, an Order Sustaining Objection and Denying Confirmation of Proposed Chapter 13 Plan was entered. This Order stated "...that Debtor's counsel is required to file and serve an amended plan no later than November 13, 2009. The amended plan must be noted for hearing no later than December 2, 2009." To date, no amended plan has been filed and noted for hearing. Accordingly, the Trustee submits the debtor's case should be dismissed.

The Trustee reserves the right to assert additional bases for his Motion.

A proposed Order on this Motion is attached and incorporated.

WHEREFORE, the Chapter 13 Trustee requests that the Court enter an Order dismissing the debtor's Chapter 13 case.

Dated this 9th day of February, 2010

/s/ Jason Wilson-Aguilar, WSBA #33582 for
K. MICHAEL FITZGERALD
Chapter 13 Trustee